

BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
JANUARY 27, 2004  
**DRAFT**

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Sauls presiding. Present were Commissioners Thaell, Maloy, Winchester, Proctor, and Rackleff (Commissioner Grippa was absent due to an emergency). Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Commissioner Bill Proctor, which was followed by the Pledge of Allegiance to the Flag.

*Chairman Sauls announced that Commissioner Grippa would not be in attendance due to an emergency of a family illness.*

**Awards and Presentations**

- Mr. Nick Dowdy, Government Finance Officers Association (GFOA) presented the GFOA Certificate of Achievement of Excellence in Financial Reporting to the Board and the Clerk of the Court's Finance Department
- The Board presented the attached resolution recognizing Erin Vansickle, departing Commission Aide:

*Chairman Sauls announced that the policy recently adopted allowing 6-minutes for speakers would be invoked tonight.*

## **Consent**

Commissioner Maloy moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Grippa was absent), to approve the following Consent agenda with the exception of Items 13 which was addressed as described below:

1. Approval of Minutes for: October 16, 2003 Joint City/County Public Hearing for Cycle 2004-1 Comprehensive Plan Amendments and January 13, 2004 Regular Meeting

The Board approved Option 1: Approve the Minutes of October 16, 2003 Joint City/County Public Hearing for Cycle 2004-1 Comprehensive Plan Amendments and January 13, 2004 Regular Meeting.

2. Approval of Bills and Vouchers Submitted for January 27, 2004 and Pre-Approval of Bills and Vouchers Submitted for January 28, 2004 through February 9, 2004

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for January 27, 2004, and pre-approve payment of bills and vouchers for the period of January 28, 2004 through February 9, 2004.

3. Approval of Contracts Relating to the Leon County Collaborative Families First Program

The Board approved Options 1, 2, and 3: 1) Approve the contract between Leon County and the Florida Department of Juvenile Justice for the Leon County Collaborative-Families First Grant Program; 2) Approve the contract between Leon County and the Hope Community Empowerment Corporation; 3) Approve the attached resolution and associated budget amendment form for \$100,000:

4. Approval to Research the Development of a *County Alcohol and Other Drug Abuse Trust Fund*

The Board approved Option 1: Direct staff to research the development of a County Alcohol and Other Drug Abuse Trust Fund and present an agenda Item to the Board at a future date.

5. Approval to Amend County Ordinance No. 2002-10 to Add Language Providing for Concurrency Chairmanship of the Board of County Commissioners and the Enterprise Development Zone Agency Board

The Board approved Option 1: Approve to amend County Ordinance 02-10 to add language providing for concurrency chairmanship of the Board of County Commissioners and the Enterprise Development Zone Agency Board which requires a public hearing and advertisement of it.

6. Approval of Agreement with Tallahassee Community College (TCC) to Allow EMT and Paramedic Students to Ride with Emergency Medical Services Staff to Obtain Ambulance-Based Learning Experience

The Board approved Option 1: Approve an agreement with Tallahassee Community College District Board of Trustees to allow Tallahassee Community College Emergency Medical Technician and paramedic students to participate with Emergency Medical Services staff on ambulance runs.

7. Approval of Agreement for Acceptance of the Capital Area Healthy Start/Knight Foundation Grant in the Amount of \$43,010

The Board approved Options 1 and 2: 1) Approve the agreement for the acceptance of the Capital Area Healthy Start Coalition/Knight Foundation Grant in the amount of \$43,010 and authorize the Chairman to execute; 2) approve the attached resolution and budget amendment request:

**8. Acceptance of Library E-Rate Revenue in the Amount of \$35,273 and Establishment of Appropriate Revenue and Expenditure Accounts**

**The Board approved Option 1: Accept the Library E-Rate Funds in the amount of \$35,273 and approve the associated resolution and budget amendment request:**

9. **Approval to Award Housing Rehabilitation Contracts to Pagel Construction Company, Inc., under the State Housing Initiatives Partnership (SHIP) and Community Development Block Grant (CDBG)**

**The Board approved Option 1: Approve the bid award to Pagel Construction Co., Inc., for housing rehabilitation, as outlined in the agenda item, using SHIP and CDBG housing funds:**

10. Approval to Award Continuing Service Contracts to Pearson Construction Company and Blue Chip Construction Company for Affordable Housing Replacement Housing Construction Services

The Board approved Option 1: Approve the annual Continuing Services Contracts to Pearson Construction Co. Inc., and to Blue Chip Construction Co., Inc. and authorize the Chairman to execute.

11. Ratification of Board Actions Taken at the November 25, 2003 Workshop on Innovation Park Task Force Final Report and Approval of a Resolution Expanding the Leon County Research Development Authority Membership

The Board approved Options 1 and 2: 1) Ratify the Board actions taken at the November 23, 2003 Workshop on the Innovation Park Task Force Final Report; 2) Approve that attached Resolution R04- that expands the membership of the LCRDA from the existing seven (7) to nine (9) members, to include the Mayor of Tallahassee and the President of Tallahassee Community College. See attachment:

12. Approval to Add the "Voter-Approved Indigent Care Surtax" Substantive Issue to Leon County's 2004 State Legislative Program

The Board approved Option 1: Approve the addition of the "Voter-Approved Indigent Care Surtax" substantive issue, as presented in the analysis section (agenda request) to the adopted Leon County 2004 State Legislative Program. See attached agenda request:

**13. Adoption of the Providence Neighborhood Renaissance Plan**

This item was pulled to hear from the following citizens:

Leslie Harris, Hillsborough Street, President of the Providence Neighborhood Association, highlighted the Renaissance Plan and pointed out that 31% of the residents live in poverty.

John Baker, Planning Department, responded to Commissioner Thaeil's request for a report and stated that he would provide one, which explains the process, i.e. how the plan came about, how it was built and how it would be funded. Commissioner Thaeil also wanted to know what other neighborhood is scheduled for a Renaissance Plan.

John Whetsel, 2127 Bold Eagle (Golden Eagle Subdivision), explained that while the area is an older neighborhood, the residents are fairly young. He recommended that this area and other areas be considered for a similar type renaissance plan, which can provide a center for neighborhood youth.

Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Grippa was absent), to approve Option 1: Adopt the Providence Neighborhood Renaissance Plan.

**14. Acceptance of the South Monroe Sector Implementation Plan**

The Board approved Option 1: Accept the South Monroe Sector Implementation Plan. See description in attached agenda request:

**15. Approval to Reschedule the Second Public Hearing on Amending Environmental Management Act for Tributary and Waterbody Buffers in the Lake Lafayette SDZ to Tuesday, February 10, 2004 at 6:00 p.m.**

The Board approved Option 1: Direct staff to reschedule a second public hearing to consider adoption of the proposed ordinance for Tributary and Waterbody Buffers in the Lake Lafayette Special Development Zone on February 10, 2004.

**16. Acceptance of a Conservation Easement from Mr. Joe Keith Finlayson**



The Board approved Option 1: Approve and accept for recording the Conservation Easement granted by Joe Keith Finlayson. (The conservation easement has been granted by Mr. Finlayson for the proposed boundary settlement. The boundary settlement involves two existing 25-acre parcels that will be modified into two 10-acre lots and is located north of Turkey Roost Road and east of Baum Road. The conservation easement area totals 13.73 acres and includes wetlands and flood prone areas.

17. Request to Schedule a Joint City/County Workshop on Annexation Issues for Monday, March 15, 2004 from 2:00 – 3:00 p.m.

The Board approved Option 1: Approve the request to schedule a Joint City/County Annexation Workshop for Monday, March 15, 2004 from 2:00 – 3:00 p.m. in the Courthouse, County Commission Chambers.

18. Acceptance of the 2003 Concurrency Management Annual Report

The Board approved Option 1: Accept the 2003 Concurrency Management Annual Report.

19. Acceptance of Update on Bradfordville Agreements

The Board approved Option 1: Accept the status report on the Bradfordville Agreements. See attached:

20. Approval of One-Year Extension for the Purchase of B.t.i. Granules to Clarke Mosquito Control

The Board approved Option 1: Approve one-year extension of Bid Number BC-12-20-01-12, Purchase of B.t.i. Granules, with Clarke Mosquito Control.

21. Approval to Modify the Continuing Supply Agreements with Carroll's Boot Country, Inc., and The Shoe Box

The Board approved Option 1: Approve the agreement modification and authorize the Chairman to execute the agreement modifications.

22. Approval of Parking License Agreement for the South Gadsden Street Parking Lot

The Board approved Option 1: Authorize the County Administrator, or his designee, to set parking license agreement rates for the parking lot and to enter into parking license agreements.

23. Approval of Revisions to Policy No. 03-01, Approval Authority for the Acquisition, Disposition, and Leasing of Real Property

The Board approved Option 1: The Board approved the revisions to Policy No. 03-01. See attached:

24. Approval to Modify the Lease Agreement with the Bank of America and to Terminate the Lease Agreements with the Florida Catholic Conference

The Board approved Options 1 and 2: 1) Authorize the County Administrator to execute the modification of the Bank of America lease to 24,444 square feet, effective February 1, 2004, with other existing lease provisions remaining unchanged; 2) Authorize the County Administrator to execute the termination of the Florida Catholic Conference leases, effective February 15, 2004.

25. Approval of Travel Expenses for Commissioner Thael to Attend the University of Florida IFAS Extension Training Program in Gainesville, Florida from December 16-18, 2003

The Board approved Option 1: Approve travel expenses as requested.

26. Approval of Travel Expenses for Commissioner Thael for Florida Association of Counties, Florida League of Cities, Florida School Boards Association Joint Officers Meeting from January 15-16, 2004

The Board approved Option 1: Approve travel expenses as requested.

**Citizens to be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)**

Pamela Hall, 5051 Quail Valley Road, talked about the development review committee (DRC) which will review the application for Bradfordville-Phipps site plan. She was concerned about deviations and advised that homeowners were relying on the Board to make sure that development proceeds properly.

**General Business**

27. Approval to Intervene in the Administrative Hearing On Wakulla County Comprehensive Plan Amendment CP-02-05 (N. G. Wade Investment Company)

The purpose of this agenda item is to obtain direction from the Board on intervention in the administrative hearing to determine whether the Wakulla County Comprehensive Plan Amendment (CP-02-05) is in compliance with applicable state laws and regulations.

The following citizens appeared and requested that the Board intervene in the administrative hearing and alleged that the road infrastructure could not handle additional traffic, that the project was not in compliance, could result in groundwater pollution, and would impact schools:

Jennie Myers, 3108 Ortega Drive

Earl Enge, 370 White Oak Drive, Crawfordville, Fl.

Victor W. Lambou, 272 Pine Lane

Virginia Brock, 311 Old Magnolia Road, Crawfordville, Fl.

Pamela Hall, 5051 Quail Valley Road

Rob Routa, P. O. Box 1600, Crawfordville, Fl., representing N. G. Wade Development, appeared and explained that a hearing date has been set and the parties are actively engaging in discussions.

Commissioner Thael moved and was duly seconded by Commissioner Rackleff to approve Option 1: Direct staff to file a petition to intervene with the Division of Administrative Hearings in Case No. 03-4516GM.

Commissioner Proctor engaged in discussion about the importance of allowing the community to grow and finding a way to address the traffic and road system.

Commissioner Proctor moved a substitute motion to approve Option 2 with the addition underlined: Option 2: Do not direct staff to file a Petition to Intervene with the Division of Administrative Hearings in Case No. 03-4516GM and direct staff to work with Wakulla County Commission to build a highway. The motion was declared dead for lack of a second.

County Attorney Thiele explained that as an intervenor, the County would be a participant in the litigation and a party to

the settlement agreement. He pointed out that presently, the proposed development is considered a DRI, but he developers could go sub-threshold, which would mean less review of the development plans and input regarding the negative impacts on environment and traffic.

Commissioner Rackleff explained that the hearing date is scheduled for March 17<sup>th</sup> and the County should be prepared.

Commissioner Proctor made some comments for the record. He stated that the front page of the Tallahassee Democrat talks about Wakulla County schools being the top schools in the state and that people are moving to the area. He emphasized the importance of having the dynamics to augment and promote the area and to promote a good relationship with the surrounding county and suggested that the development move forward.

The Board engaged in discussion about the traffic problems and being involved in settlement discussions so it can result in a sustainable community. It was noted that the motion was not to thwart growth in the area but for the County to be able to participate and engage in settlement discussions.

The original motion on the floor carried 5 – 1 (Commissioner Proctor voted in opposition and Commissioner Grippa was absent).

*The Board then entered discussion on public hearings, item 34.*

28. Authorization of Additional Funding for the Frenchtown/Southside Tax Increment Financing (TIF) Payment

Under the existing law, the Board is required to make an annual TIP payment to the City of Tallahassee for the Frenchtown /Southside Community Redevelopment Agency (CRA). County Administrator Alam explained that the County has already budgeted \$380,500 to pay the City this year for the CRA. When all the figures were worked out, the entire amount due was \$497,910, therefore an additional \$117,410 is needed. Mr. Alam explained that he does not believe that the County has the option of not paying the TIF payment.

Commissioners commented that the Board did not have the opportunity to participate in the CRA project including its boundaries as discussed in today's CRA workshop.

Commissioner Winchester moved and was duly seconded by Commissioner Proctor to approve Option 2: Do not approve the attached budget amendment realigning \$117,400 from the General Fund contingency for the purpose of making the FY 2003/2004 Tax Increment Financing (TIF) payment to the Frenchtown/Southside CRA.

Commissioner ThaeIII moved a substitute motion, seconded by Commissioner Rackleff, to postpone paying the \$497,910 (which includes the additional \$117,400) for one month and send a letter to the City requesting that they provide detailed information on improvements in the CRA area, i.e, what plans are underway, what are timelines and schedules for improvements.

Commissioner Proctor engaged in discussion about the Publix Store located on North Monroe Street and Tharpe Street which are considered to be a part of the Frenchtown CRA and noted that the City can capture dollars from the CRA/ TIF. He alleged that Frenchtown CRA should not include Tharpe Street, that it appears that the boundary lines of the CRA are skewed, that the CRA is a façade to the extent that it does not meet the Florida laws of corporation and is defunct. He suggested that the County should not be subsidizing the area through the Frenchtown CRA. Commissioner Proctor requested that the County Attorney research the issue and determine if the Frenchtown CRA is a defunct corporation and determine whether the original line goes up to Tharpe Street/Monroe Street at Publix.

County Attorney Thiele explained that he would investigate the request within the next 30 days. Commissioner ThaeII amended his motion to include the review.

The Board inquired if there was a CRA plan that shows how the County's money is being spent in Frenchtown. Mr. Alan Rosenzweig, OMB, responded that staff had not received information but would request it in the letter. The motion on the floor would include a sequential plan of expenditures of money for this area, i.e., (chronology of improvements; plans for redevelopment. As partners in the effort the County

should be advised frequently, and receive quarterly reports about the improvements.

Commissioner Proctor wanted to know if there were actual community involvement in the CRA effort related to Frenchtown and wanted to know what the process was. He also wanted to know how much money would the downtown TIF cost the County in addition to Frenchtown; if the County runs into problems with this, how much more will it cost for the County to pay the City for the expanded CRA. Mr. Rosenzweig advised that in the next three years, the County would be paying in excess of \$2 million annually to the City. The County Administrator advised that the reason for today's workshop was to recommend opposition to the Downtown CRA (extension).

The motion carried unanimously, 6/0 (Commissioner Grippa was absent).

29. Authorization to Enter into an Interlocal Agreement with the Clerk of the Circuit Court for Finance and Auditing Services and to Address other Clerk of the Court Funding Issues

Clerk of the Circuit Court Bob Inzer, Chief Deputy Clerk John Stott, and Finance Director Bill Bogan, Jr., made a presentation to the Board regarding implementation of Revision 7 to Article V of the Florida Constitution. County Administrator Alam explained that the Clerk originally requested an increase in the Article V contingency account from the existing \$382,000 to a total of \$1,000,000 for the transition period to the State fully funding for Article V. Staff recommended that staff should wait for the Legislature to meet and determine the outcome as it relates to Article V costs.

Clerk Inzer explained how Article V would affect the Clerk's Office and the relationship to the Board. In 1998 the citizens of Florida adopted an amendment that basically provided that the Court system would be paid from fees and costs and would not be funded through local tax dollars and provided for an implementation date of no later than July 1, 2004. Last summer, the Legislature passed the first bill that addressed implementation of the constitutional amendment. Mr. Inzer explained that he was referring to the impact to the Clerk's budget as it relates to Article V and not the overall impact to the County. With respect to the services that the Clerk is

constitutionally required to do for the County, he will have \$3 million less money coming from the County overall than he had this past year.

Chief Deputy Clerk Stott explained that the courts would be funded by the fees and charges, and the County would not have to fund the courts. There is a provision where the County is still required to fund finance facilities, telephones, technology and official records. Mr. Stott further explained the revised funding structure, impacts of the House Bill 113A, court funding, and impacts. He pointed out that various risks include insufficient revenues to fund the Clerk's offices due to the legislature possibly stripping the trust fund, reduced access to the courts, higher fees and charges which some cannot pay. It could also result in decreased staffing which results in slower court processes, in increased jail time and increased jail costs. When the system slows down, it does rebound back on the County as far as the jail is concerned.

Finance Director Bogan stated that the goal of the Finance Department is to be the best it can be in the State. He explained that Finance Department has four CPA's and certified Government Finance Officers, and paraprofessionals that work diligently to provide appropriate services. Mr. Bogan explained that the Board had been provided with a Peer Review Report, which evaluated various areas of the Finance Division and their recommendations will be evaluated. The office is looking at ways to streamline the managerial and technical resources, and innovative ways to do things better.

Clerk Inzer explained that the Legislation session coming up will be looking at this issue and there will be a much better understanding of the risks and funding after they meet. His request is to approve the interlocal agreement and he concurs with staff's recommendation to postpone any decision relating to the increase in the judicial reserve. Mr. Inzer pointed out that next year would be a difficult year and he expects citizen resistance to increased fees, and there may be some transitional problems relating to funding and/or cash flow.

County Administrator Alam pointed out that the Finance Office works very closely with the County and they have a good working relationship. He stated that after the legislature meets, County staff would work with the Clerk and bring an appropriate recommendation back to the Board.



Commissioner Thael moved and was duly seconded by Commissioner Proctor to approve Options 1 and 2: 1) Approve the proposed Interlocal Agreement with the Clerk for the provision of Finance and Auditing Services and authorize the Chairman to finalize and execute; 2) Do not increase the Article V Reserve Account at this time, and direct staff to evaluate increasing the County's Article V contingency account after the 2004 Florida Legislative session is complete and as part of the County's FY 2004/2005 budget cycle.

The motion carried unanimously, 6/0 (Commissioner Grippa was absent). See attached agenda request:

30. Approval of Continuing Supply Contracts for Architectural and Interior Design Services and Approval of Continuing Supply Contracts for Structural, Mechanical, Plumbing and Electrical Engineering Services in the Division of Facilities Management

Commissioner Rackleff moved and was duly seconded by Commissioner Sauls (Vice-Chair Thael assumed the Chair), approve Options 1, 2, and 3: 1) Approve the Selection Committee's recommendation of five (5) architectural services firms for the provision of continuing-supply architectural services to the Division of Facilities Management; 2) Approve the Selection Committee's recommendation of five (5) engineering services firm for the provision of continuing-supply architectural services to the Division of Facilities Management; 3) Authorize staff to negotiate and the Chairman to execute continuing-service agreements with the approved architectural and engineering firms.

Commissioner Proctor referred to the agenda request and engaged in discussion regarding the MBE policy and stated that the same MBE companies are showing up under multiple prime contractors, which he had a concern with.

Agatha Salters, M/WBE Coordinator, stated that there are not many minority firms for architectural services. She pointed out that there are two minority firms that are 100 percent minority out of the list of five, that are prime contractors on this project. She stated that subcontractors, Spectra and Moore Bass, fit the definition of subcontractor and perhaps one day, they will move to be a prime contractor. Ms. Salters explained that hopefully after they receive the disparity study, staff can identify other minority architectural firms that will attend the pre-bid and will put their name out with the prime contractors.

Commissioner Proctor asked about rotation of the companies that are selected and equitable distribution of dollars. Tom Brantley, Facilities Management Director, explained the process.

The motion carried unanimously, 6/0 (Commissioner Grippa was absent).

31. Ratification /Authorization of Modified Flooded Property Acquisition List and Approval to Create an Expense Account for the Flooded Property Acquisition Program

The Board is requested to ratify the December 9, 2003 direction to staff regarding prioritization of the County-wide acquisition program to homestead/owner-occupied structures. In addition, approval is needed for the budget amendment request to establish the account for the County-wide acquisition program.

County Administrator Alam explained the Board's direction was to give priority to owner-occupied properties. There are two attachments: Attachment 1 is a list of owner-occupied property or occupied by the owners' relative – it is property that is not rented (\$9,043,000 of flooded property). Attachment 3 is a list of property that is claiming homestead only (\$8,271,000). Staff's recommendation is to approve Options 1 and 2 and the Board would need to select Attachment 1 or Attachment 3.

County Administrator Alam explained that since Commissioner Grippa was not present, he asked that Mr. Alam present his concept. (Commissioner Grippa gave a recommendation in light of the WRT Report on the Gaines Street project which indicated that there was excess funds of 12.5 million.) It was Commissioner Grippa's recommendation that the Board use \$10 million of the excess \$12.5 million and buy all of the flooded property the first year and leave the \$2.5 million in contingency.

Commissioner Thael moved and was duly seconded by Commissioner Winchester to approve Options 1 and 2: 1) Ratify the prioritized County-wide Flooded Property Acquisition List (Attachment 3 – homestead only); 2) Approve the attached budget amendment establishing the Countywide Acquisition Fund.

Commissioner Thael stated that at some point there should be a community dialogue about the continued participation of the County as a partner in the Gaines Street redevelopment process.

Teresa Heiker, Stormwater Engineer/Public Works, explained the differences between Attachment 1 and Attachment 3 and

advised that staff's recommendation was to approve Attachment 1. (It was noted that Attachment 1 also includes 14 properties that do not have homestead exemption but are owner-occupied). Attachment 1 shows if the actual owner is living on the property but did not file homestead. (In attachment 1, one asterisk shows a homestead filed and a family member lives on the property; two asterisks shows that the property owner does not live on a homestead claim; three asterisks show that the owner or family member lives on the property without homestead claim (the 14 people).

Edle Jernigan, 2002 Longview Drive, spoke about the flooding situation in her home and how she had to move out of her home due to her husband's illness caused from the flooding. She asked the Board to allow her to remain on the list.

Following some discussion, Commissioner Thaelle amended his motion, as shown in underline, to approve Options 1 and 2: 1) Ratify the prioritized County-wide Flooded Property Acquisition List (Attachment 1; 2) Approve the attached budget amendment establishing the Countywide Acquisition Fund.

Commissioners Thaelle and Winchester concurred that the motion would stipulate that the Board's priorities are to first help people who are actually living in their homes, not a landlord or commercial property.

Commissioner Thaelle emphasized the importance of adhering to land use regulations on new development to control stormwater runoff and avoid future flooding problems. He inquired about the status of the proposed volume control ordinance. County Attorney Thiele explained that staff is working on the issue and he hopes to bring back something to the Board in the summer. John Kraynak, GEM, explained that an agenda item for February 10<sup>th</sup> would be sent to the County Attorney's Office in a couple of days.

Commissioner Proctor moved a substitute motion, which was seconded by Commissioner Winchester to approve Options 1 and 2 with (Attachment 1) and apply the \$10 million earmarked for Gaines Street improvements and apply it to the flooded property acquisition project.

Paul Harvill, P. O. Box 38458, urged the Board to assist as many individuals as possible that have been flooded.

The substitute motion failed with a tie vote, 3/3 (Commissioners Sauls, Thael, and Rackleff voted in opposition and Commissioner Grippa was absent).

The original motion on the floor carried unanimously, 5 – 1 (Commissioner Proctor voted in opposition and Commissioner Grippa was absent. See attachment:

32. Acceptance of Status Report on Disposal Operations at the Leon County Solid Waste Management Facility and Options for Residential Waste from the Citizen Drop-off Area

Pursuant to the Board's request, a status report was provided through the agenda request on disposal operations at the County's Solid Waste Management Facility (landfill) and disposal options for residential waste from the citizen drop-off area at the landfill.

County Administrator Alam explained that the County is now using the operations at the transfer station on Gum Road. The commitment to the community was that when the County started using the transfer station, they would stop Class I garbage operations at the landfill. They told the community at the time that the landfill would be open to Class III which are basically concrete blocks, yard trash, construction debris and other materials that are not a threat to public health or the environment. There is a separate area for hazardous material.

At the last meeting, Commissioner Thael stated that the citizens had called and indicated that the landfill was still taking Class I garbage. Mr. Alam advised that the Board agreed to keep it open for emergency situations and a DEP permit was obtained to do so. He explained that, at the time, he thought the County would have to continue to bury some Class I garbage to keep the DEP permit. Since then, he found out that it was not necessary to do so. He stated that the County can maintain the emergency capacity at the existing landfill without burying Class I garbage and he directed the landfill operations to stop burying it immediately. Currently, there is a container at the landfill that is used similar to a roll-off site. People can put their bagged garbage in the container and sometime in the week, the container is moved to the transfer station. The cost is \$55,000 per year and staff is trying to find a way to reduce the cost.

The following citizens appeared and voiced complaints:

Glen Abbott, 7576 Talley Ann Drive, circulated written material "Neighborhood Alert," about noxious orders in the neighborhood and a petition was presented. A supplement to the petition, including a site map, was also circulated. Mr. Abbott explained that residents are requesting that certain

actions be taken. It was noted that staff has already addressed some items.

- Take trash to transfer station
- Address noxious odors at the landfill, including methane fumes
- Non-compliance with asbestos
- Suggested purchasing a new area for Class III wastes
- Cap and close the Class I heap cells

The following citizens also appeared and voiced similar complaints:

Bernie Windham appeared and explained that he lives in the Chaire-Capitola area and circulated material regarding landfill gas recovery. He suggested that the Board consider using the gas from the landfill for energy and cited areas that do so. He stated that he had talked with EPA and it appears that a Leon County recovery project was viable.

John West, 2287 Lake Heritage Drive, indicated that citizens were promised that the landfill would close and that possibly a park would be built on it.

Ed Deaton, 9601 Miccosukee Road, emphasized the danger of toxic wastes and urged the Board to implement a way to capture landfill gas.

Fred Shelfer, 10939 Luna Point Road, President of Goodwill Industries, Inc. stated that he had entered into an agreement with the County to be a collection point for E-cycling. He explained that material is brought to the Goodwill stores, it is packaged and then brought to the landfill and then taken to Marrianna for final de-construction. He asked that the Board decide what to do with this program when considering the landfill issues.

Mona Lisa Abbott, citizen, appeared and spoke extensively about the serious health hazards of the landfill and referenced reports from EPA. She spoke about the asbestos problem, the odiferous smell, and clanking of trucks. Ms. Abbott requested that an odor-testing device be placed at the landfill, particularly at the pan station, and that changes be made immediately to remedy the problems.

The Board engaged in a lengthy discussion about the various issues raised and wanted to know what had been done to address the issues:

- Is asbestos being handled properly, it appears to be escaping in the air;
- Should begin now to cap and close the landfill
- Need to address the smell
- Landscaping should have been done 2 years ago, some attempts have been made and then DOT, about a month ago, came and savaged what had been done
- Start planning to close the landfill to Class III garbage
- Concerns about excavating right next to the Parkway which will have to be filled – how long will the eyesore be there – a couple of years ago it was fairly undisturbed
- Noted that a report from Post Buckley Schuh and Jernigan will be provided in agenda material in February 2004 that identifies constraints and opportunities for reuse of the landfill site
- Indicated that improvements that were promised to the neighbors should be taking place in a more expeditious manner
- After reviewing the report, there should be a public meeting in the subject area showing what the plans are, the direction the County is headed and timing of the improvements

County Administrator Alam explained that one mistake did occur and that was that a small amount of Class I garbage was being buried and this should have not been done. He stated that in all other areas, staff has done what they had committed to do. He addressed the five issues contained in the citizens' petition:

- Keep collection dumpster bin available which will be done
- Stop the methane and garbage smells and fumes – the County has applied for the permit and hopefully there will be two more flames burning to take care of the methane gas. Mr. Alam advised that there are studies that show that the County does not produce enough methane gas to make it an economic venture to capture it and use it as energy – today that is not the case, but staff will take another look at it
- Start beautification of the landfill (\$500,000 was put in this year's budget for planning and engineering and the Board



committed to adding money to it when possible). A plan/report would soon be presented to the Board. Mr. Alam advised that even though the landfill is 600 acres, a 30-acre park is proposed. He was not aware that DOT was messing it up and staff would investigate. He stated that from the beginning the plan was that this was to be a Class III landfill; to locate a Class III landfill in another part of the community would encompass the same issues and it would be expensive.

- Mr. Alam explained that staff is capping the Class I garbage with one foot of dirt – the reason the County obtained a DER permit was for emergency situations for Class I landfill. Since garbage is transported to another County, there may be emergency situations where the County has no control.
- Jud Curtis, Solid Waste and Recycling, explained that the asbestos is disposed of in a designated asbestos disposal area at the landfill. The material that is collected at the household hazardous waster material is shipped out of the County. The procedures and specifications are adhered to.
- Mr. Alam asked when the DEP permit would be obtained to capture the landfill gas. Mr. Curtis responded that a DEP inspection including air inspection was conducted today; the notice of intent would be sent, it would be published for 14 days and then the permit would be issued. Mr. Curtis advised that a two-week notice would be made to the contractor so he could start burning, and by the end of February the gas should be burning.

Commissioner Rackleff was concerned that Class III landfill would remain open for a long time and the year 2012 was mentioned. Mr. Curtis indicated that it was anticipated that in the year 2012 the landfill would reach its capacity for Class III. Mr. Alam stated that the County could choose to haul Class III elsewhere, which would be expensive or locate at another site and run into citizen opposition.

Commissioner Rackleff moved and was duly seconded by Commissioner Thael to approve Option 1 with the addition as underlined: As directed by the County Administrator, effective January 21, 2004, continue transporting bagged household garbage from the landfill drop-off center to the transfer station and begin applying intermediate cover over the Class I facility; direct staff to report back to the Board on how to minimize the fiscal impact of this option; and that staff come

back with an action plan to accomplish the goals that were discussed tonight, (some of which were: asbestos, cap and close Class I garbage, address the odor, landscaping, plans for Class III facility and the findings in the report from Post Buckley Schuh and Jernigan about redevelopment.

Mr. Curtis assured the Board that only Class III yard waste and construction debris would be buried at the landfill in the future, unless there was an emergency.

Commissioner Thaeli inquired about an implementation plan for a park and/or ball field. Staff advised that they have identified two multi-purpose fields in excess of 100 acres, which would not involve much fill to balance out. The Parks and Recreation Department would have to replace pasture grass with turf grass, and put some fencing and bridging. Mr. Curtis advised that citizens would have to work with the Parks and Recreation Department to establish an implementation plan. Commissioner Thaeli indicated that this should proceed expeditiously and neighborhoods should be involved.

Discussion also ensued about a prototype capture of energy concept and the benefit versus the cost issue. Commissioner Thaeli suggested that staff investigate the private landfills in the area (which are permitted as Class C and D) and determine if it was cost feasible for people to take their construction debris there.

Commissioner Proctor suggested that staff bring back a comprehensive management review plan and asked if this could be included in the motion. Commissioner Rackleff declined and indicated that staff should concentrate on solving the problem without distractions, address the problems as they have been outlined tonight and come up with solutions beginning with an action plan.

Commissioner Rackleff recapped the motion on the floor: To approve Option 1 and develop an action plan to accomplish the issues that were discussed tonight and some of those issues were: asbestos and other hazardous materials, closing Class I garbage, solving the odor problem, landscaping along the roadway, develop a strategy for closing the landfill for Class III solid waste; bring back report from Post Buckley Schuh and Jernigan with recommendations from the Parks and Recreation Department for redevelopment.

Commissioner Winchester talked about the reuse plan and stated that representatives from the Drivers Education School talked about using a portion of the landfill for the driving course. He suggested that this be part of the reuse plan.

Commissioner Winchester also asked staff to explain the asbestos control and wanted to know if some leachate was created from the water that is put on the asbestos. Mr. Curtis stated that it was his understanding that water is put on the asbestos to control it and it is not hazardous, that asbestos becomes hazardous when it becomes airborne and taken into the lungs. Commissioner Winchester stated that he would like further information on this issue and to determine definitively, if it is hazardous.

Commissioner Rackleff indicated concern that the date to phase out Class III appeared to be postponed; the year 2010 was given and now the projected year is 2012 year. He stated that he would like to have a balance between serving the immediate needs to having a disposal site for class III solid waste. County Administrator Alam responded that the goal was to extend the life of Class III at the landfill since it was the most cost effective way and the way staff was managing Class III is the reason the date was extended. He stated that if the Board wishes to cut it short, there would be a cost involved. He explained that Class C and D are different than Class III garbage; the C and D private sites are not as well managed as the County's are. If the County closes the Class III landfill and causes people to use C and D sites, the Board will hear complaints from citizens.

Commissioner Winchester indicated that hopefully by the year 2015, there would be no need for a landfill and creative ways would be used. Commissioner Rackleff indicated that there was too much uncertainty and he would like to know what the plan for Class III solid waste is, for the Board to review the plan, to look for opportunities to do things differently and speed up the process of phasing out Class III. He stated that homeowners would like to see redevelopment as a park in their lifetime.

The motion carried unanimously, 6/0 (Commissioner Grippa was absent).

of the amendment and the Board approved it on September 23, 2003.

Jean Gregory, Planning Department, provided explanation.

Commissioner Thael moved and was duly seconded by Commissioner Maloy to approve Options 1 and 2): 1) Conduct the first of two public hearings on a proposed Ordinance implementing Comprehensive Plan Map Amendment 2003-2-M-003; 2) Advertise the adoption hearing for February 10, 2004 at 6:00 p.m. The motion carried unanimously, 6/0, (Commissioner Grippa was absent).

36. Continuation of the First and Only Public Hearing on the Re-granting of Vested Development Rights for the Sam's East (a.k.a. Sam's Warehouse Club) and Doris Hastings' Properties

County Attorney Thiele explained the reason for staff's recommendation. Since the agenda was published, the applicant's counsel requested that the application be rescheduled for a future date. They wish to present the site plan simultaneously at the public hearing for re-granting vested development rights. Chairman Sauls advised that she received a letter from the applicant requesting more time (four months).

Mr. Thiele recommended that public comment not take place on substantive issues such as development rights because of possible quasi judicial proceedings.

Commissioner Maloy moved and was duly seconded by Commissioner Rackleff to approve to continue the public hearing on the re-granting of vested development rights for the Sam's East (a.k.a. Sam's Warehouse Club) and Doris Hastings' Properties to a future date.

Commissioner Winchester spoke about vested rights and suggested that the public hearing be cancelled and asked about the process.

Commissioner Winchester moved a friendly amendment to continue the public hearing until April 29, 2004 at 6:00 p.m. and if the applicant is not ready at that time, the application is considered to be withdrawn. The amended motion was not accepted.

County Attorney Thiele recommended that the public hearing be continued to May 13, 2004.

Commissioner Maloy amended the motion as underlined: Approve Option 1: Continue the first and only public hearing to approve the re-granting of vested development rights request for the Sam's East (a.k.a. Sam's Warehouse Club) and Doris Hastings' Properties from January 27, 2004 at 6:00 p.m. to Tuesday, May 13, 2004 at 6:00 p.m. Commissioner Rackleff concurred with the amendment. *(Later in the meeting, it was noted that the 2003 calendar was used rather than the 2004 calendar. The public hearing was continued to the corrected date of May 11, 2004 at 6:00 p.m.)*

The amended motion carried unanimously, 6/0 (Commissioner Grippa was not present).

37. First and Only Public Hearing on the Fourth Notice of Proposed Change (NOPC) to the Southwood Development of Regional Impact (DRI) Development Order (DO)

County staff has reviewed the proposed changes to the Southwood DRI as reflected in the fourth NOPC and has determined that the revisions as outlined in the amended DO did not result in a substantial deviation from the previous plan of development approved by the Board.

Commissioner Winchester moved and was duly seconded by Commissioner Maloy to approve Option 1: Conduct a public hearing and determine that the proposed Fourth Notice of Proposed Change (NOPC) to the Southwood Development of Regional Development of Regional Impact is not a substantial deviation and approve the amended Development Order.

Commissioner Rackleff indicated concern that there was no bus services in Southwood and hoped that there would be some meaningful progress on this matter.

David McDevitt, GEM, responded to the Board's inquiries.

The motion on the floor carried unanimously, 6/0 (Commissioner Grippa was absent).

*The Board then resumed General Business, Item 28.*

### **Citizens to be Heard on Non-Agendaed Items**

- a. Paul Harvill, P. O. Box 38458, appeared and suggested that the County purchase flooded property and turn them into parks. He also commended the Clerk on the investigation of John Eagen. Mr. Harvill suggested that the County determine who is requesting the revamping of the Mahan Corridor and sue the City of Tallahassee regarding placement of the transmission lines.
- b. Bob Pannell, 2801 Glennis Court, appeared representing the Gwyndale Neighborhood Association, requested that the concurrency management report provide traffic information as an appendix. He also asked County staff to review the removing of traffic trips from undeveloped property and run the numbers on vested trips in a traffic model. Mr. Pannell stated that he would be available for input and could demonstrate the potential consequences.

Mr. Pannell referred to Agenda Item 36 and requested that staff identify the issues and possible impacts of the development and present the information from the Science Advisory Committee and the Water Resource Board. He also suggested that the County Attorney meet with Mr. George E. Lewis to discuss the legal and liability issues involving Item 36.

Commissioner Winchester spoke about the revesting of Sam's East, Item 36, and requested the following:

- Analysis of vested trips
  - Legal Issues addressed by the County Attorney
  - Schedule a workshop on the revesting of Sam's East (Sam's Warehouse) and a site visit by the Board
  - County Attorney Thiele advised that he would work with Commissioner Winchester on whether to schedule a workshop
- c. George E. Lewis, II, 203 North Gadsden Street, #6, stated that he turned a speaker card in on Item 36 tonight and on the same issue at the December 9, 2003 Board meeting but was not allowed to speak either time. He referenced Item 36 and stated that he thinks that the Board is getting incorrect information and suggested looking at the letter from the applicant's attorney and suggested that the applicant may not

want a 90 day continuance. Mr. Lewis suggested that the Board's action on this item may not be allowed and suggested that the application be terminated.

### **Discussion Items By Commissioners**

#### **Commissioner Proctor**

- a. Commissioner Thael moved to waive the Rules of Procedure to allow an Add-on item on the agenda. The Board voted unanimously, 6/0 (Commissioner Grippa was absent).

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Grippa was absent), to agenda an Add-On Item for tonight's meeting:

*Approval of Travel Expenses for Commission Aide, DeLane Adams, to Attend the Florida Conference of Black State Legislators on January 29-30, 2004 in Miami, Florida*

Commissioner Proctor moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Grippa was absent), to approve the travel expenses as requested.

- b. Requested an update on the Fairgrounds issue as it relates to Southwood.

#### **Commissioner Thael**

- a. Brought forth a request from the Boys and Girls Club of the Big Bend, Laura Lee facility, for \$200,000. Commissioner Thael requested that staff look into the possibility of using the housing funds (sale of single-family home bonds) and bring back an agenda item.
- b. Requested a resolution for Mr. Wright of the Miccosukee Fire Department.
- c. Asked that staff bring back details on the proposed Target store, which is planned, for construction on the former Bradfordville-Phipps property.
- c. Requested that staff review the possibility of allowing the Riley House to use a portion of the County's parking lot for

community green space and bring back a report regarding the discussions.

- d. Requested that a workshop be scheduled regarding staff's report on the euthanasia of animals at the Tallahassee-Leon Community Animal Service Center and the possibility of a functional consolidation between City and County Animal Control

#### Commissioner Maloy

- a. Commented on the Governor's budget, which proposes a decrease in funds for juvenile justice issues and it is the third year where state employees have not received salary increases. Commissioner Maloy asked that the Board sent a letter to the Governor encouraging his support for meaningful pay raises for dedicated state workforce.
- b. Requested a letter of support be sent to the State legislature in support of SB 488 regarding the Northwest Florida Water Management District's (NFWFMD) ability to levy the maximum millage rate to meet the water management needs of the region.

#### Commissioner Winchester

- a. Asked that staff look into the neighborhood association's request for a turn lane at Cynthia Land and bring back a report.
- b. Appointed Nancy Murchison to the Dorothy C. Spence Community Center.

*Commissioner Proctor moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Grippa was absent), to extend the Board meeting for five minutes.*

#### Commissioner Sauls

- a. Advised that she was in receipt of a petition with approximately 500 signatures opposing the placement of the eastern transmission lines (ETL) Route A, running along Mahan Drive.



- b. Announced that the County received approval from the Governor's Office to amend the boundary of the Enterprise Zone.
- c. Noted that she received a letter from Representative Will Kendrick regarding establishment of two additional subcommittees, Rural Affairs and Urban Affairs, and asked for a letter of support from the Board.
- d. Advised that she had received a letter from a citizen who was concerned about safety at the passenger train station on Railroad Avenue. Apparently in the Spring, Amtrak will no longer be staffing the station. Chairman Sauls requested an update on this matter.
- e. Announced that a Volunteer Management Training Course for volunteer agencies is being offered at Tallahassee Community College in partnership with VolunteerLEON.
- f. Requested that staff look into the problem regarding Sprint not updating addresses for 9-1-1. It was noted that citizens are supposed to notify Sprint of a change of address.

There being no further business to come to the Board, Commissioner Proctor moved, duly seconded by Commissioner Thaell and carried unanimously, 6/0 (Commissioner Grippa was absent), to adjourn the meeting at 11:09 p.m.

APPROVED: \_\_\_\_\_  
Jane Sauls  
Chairman

ATTEST:

\_\_\_\_\_  
Bob Inzer  
Clerk of the Circuit Court